

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL PHILPOT,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
AMTRAK, ¹	:	
Defendant.	:	NO. 10-1276
	:	

ORDER

AND NOW, on this 3rd day of November, 2011, upon careful consideration of Amtrak's Motion for Summary Judgment (ECF No. 23), and the parties' briefing and oral arguments, and for the reasons in the accompanying Memorandum re: Defendant's Motion for Summary Judgment, it is hereby ORDERED:

- (1) Philpot's Motion for Leave to Substitute Plaintiff's Response to Defendant's Motion for Summary Judgment to Include Exhibits (ECF No. 34) is GRANTED, and the substituted brief is considered timely submitted for purposes of the Court's review of Amtrak's Motion for Summary Judgment.
- (2) Amtrak's Motion for Summary Judgment (ECF No. 23) is GRANTED.
- (3) Philpot's Complaint is DISMISSED.
- (4) Judgment is ENTERED in favor of Amtrak and against Philpot.
- (5) Amtrak's Motion for Sanctions (ECF No. 42) is DENIED as moot.
- (6) The Clerk of Court is directed to close the case.

¹ Defendant asserts that Plaintiff misidentifies it as "Amtrak," when in fact it should be identified as "National Railroad Passenger Corp." Def. Br. at 1.

BY THE COURT:

s/Michael M. Baylson

Michael M. Baylson, U.S.D.J.

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